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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/771,395 | 01/26/2001 | Seiichi Kawano | JP919990275US1 | 6854 |
| 7590 | 03/26/2004 | | | EXAMINER |
| Derek S. Jennings Intellectual Property Law Dept. IBM Corporation P.O. Box 218 Yorktown Heights, NY 10598 | | | WANG, ALBERT C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2115 | <i>6</i> |
| DATE MAILED: 03/26/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/771,395 | KAWANO ET AL. |
| | Examiner | Art Unit |
| | Albert Wang | 2115 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5,7-9,11-15,17 and 18 is/are rejected.
- 7) Claim(s) 4,6,10 and 16 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Original claims 1-18 are pending.

Specification

The disclosure is objected to because of the following informalities: "ACP.SYS" on page 9 line 16, "cocking" on page 10 line 16, and "ASL" on page 12 line 25 appear to be misspelled. For instance, ASL usually refers to ACPI Source Language (see Stanley, col. 2, lines 13-16).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5, 8 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: how "said basic system" comprises method steps.

Claim 8 recites the limitation "the computer according to claim 6" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the recording medium according to claim 11" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 7-9, 11-15, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamaki, U.S. Patent No. 6,447,213.

As per claim 1, Yamaki discloses a method for controlling a computer for a device event provided from hardware (Fig. 1, various hardware), in which said computer comprises a basic system for notifying an operating system of a request event corresponding to the device event in response to the device event from said hardware (Col. 12, lines 47-64, SM-BIOS notifies OSPM; Figs. 11 & 13), accepting a response event of the operating system caused by the notification (Col. 13, lines 1-12, OSPM executes ON process; Col. 7, lines 42-60, BIOS interfaces with hardware), and outputting a process event corresponding to the accepted response event to the hardware (Fig. 12, outputting ON event to fan causes temperature to decrease), comprising the steps of:

notifying said operating system of an additional event associated with the response event after receiving said response event in said basic system (Fig. 12, Col. 12, lines 42-60, subsequent temperature change to reach T2);

accepting an additional response event corresponding to said additional event from said operating system (Col. 13, lines 1-12, OSPM executes OFF process); and,

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outputting an additional process event corresponding to said accepted additional response event to said hardware (Fig. 12, outputting OFF event to fan causes temperature to rise).

As per claim 2, Yamaki discloses the steps of:

performing the notification of an intermediate event after accepting said response event and outputting said process event in said basic system (Fig. 12, Col. 12, lines 42-60, intermediate temperature change between T1 and T2);

accepting said intermediate event (Col. 12, lines 42-60, OSPM receives intermediate data); and

notifying said operating system of an additional event associated with said response event (Fig. 12, Col. 12, lines 42-60, subsequent temperature change to reach T2).

As per claim 3, Yamaki discloses said basic system conforms to an ACPI standard (Col. 7, lines 42-60).

As per claim 5, Yamaki discloses the steps of:

notifying said operating system of a second request event associated with said request event as well as said request event (Fig. 12, Col. 12, lines 42-60, subsequent temperature change to reach T2);

accepting said second request event and monitoring said process event (Col. 12, lines 42-60, OSPM receives subsequent data);

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notifying said operating system of an intermediate event after accepting said response event and outputting said process event (Fig. 12, Col. 12, lines 42-60, intermediate temperature change between T1 and T2);

accepting said intermediate event (Col. 12, lines 42-60, OSPM receives intermediate data); and

notifying said operating system of an additional event associated with said response event (Col. 13, lines 1-12, system shutdown).

As per claims 7-9, 11, and 12, since Yamaki discloses the method of claims 1-3 and 5, Yamaki discloses the claimed computer.

As per claims 13-15, 17 and 18, since Yamaki discloses the method of claims 1-3 and 5, Yamaki discloses the claimed recording medium.

Allowable Subject Matter

4. Claims 4, 6, 10, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert Wang whose telephone number is 703-305-5385. The examiner can normally be reached on M-F (9:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 15, 2004



THOMAS LEE
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